

111th CONGRESS  
1st Session  
H. R. 2294

To require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 7, 2009

Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. CARTER, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. DREIER, Mr. BLUNT, Mr. MCHUGH, Mr. HOEKSTRA, Mr. SMITH of Texas, Mr. KING of New York, Ms. ROS-LEHTINEN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WOLF, Ms. GRANGER, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. FLEMING, Mr. SIMPSON, Mr. COLE, Ms. FALLIN, and Mr. AUSTRIA) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Keep Terrorists Out of America Act'.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that individuals currently detained at Guantanamo should not be transferred or released into the sovereign territory of the United States.

SEC. 3. REQUIREMENTS RELATING TO THE TRANSFER OR RELEASE OF INDIVIDUALS CURRENTLY DETAINED AT GUANTANAMO TO SOVEREIGN TERRITORY OF UNITED STATES.

(a) Prohibition- The President or the President's designee may not transfer or release an individual currently detained in Guantanamo to any State unless 60 days prior to the transfer or release the President or the President's designee completes the requirements in subsections (b) and (c).

(b) Governor and State Legislature Approval- The requirement under this subsection is that--  
(1) the President or the President's designee submits to the governor and legislature of the State to which the President intends to transfer or release an individual currently detained in Guantanamo certification in writing (together with supporting documentation and justification) that the individual does not pose a security risk to the United States; and

(2) after receiving the certification pursuant to paragraph (1), the governor and State legislature of that State consent to the transfer or release of the individual covered under this section.

(c) Presidential Notification and Certification Requirement- The requirement under this subsection is that the President submits to Congress, in writing, the following information:

(1) The name of any individual to be transferred or released.  
(2) The location and the installation in the United States where the individual will be transferred or released.

(3) A justification for why that location was selected.  
(4) The findings of an analysis carried out by the President describing any risk to the national security of the United States or the residents of the United States that is posed by the transfer or release.

(5) A certification that the President has mitigated any risk described in paragraph (4).  
(6) A certification that the President has completed the requirements of subsection (b).  
(7) A certification that the President's transfer or release under subsection (a) of an individual covered by this section will not adversely affect the Government's ability to prosecute individuals covered under this section.

(8) The findings of an analysis carried out by the President describing any adverse affect such transfer or release will have on the ability of the Government to prosecute individuals covered under this section.

(9) A certification that the President's transfer or release under subsection (a) of an individual covered by this section will not adversely affect the Government's ability to detain individuals covered under the section.

(10) The findings of an analysis carried out by the President describing any adverse affect such transfer or release will have on the ability of the Government to detain individuals covered under this section.

(11) A certification that the President's transfer or release under subsection (a) of an individual covered by this section will not result in the release of individuals covered under this section into the United States.

(12) The findings of an analysis carried out by the President describing how the Federal Government will ensure the transfer or release described in paragraph (11) will not result in the release of individuals covered under this section into the United States.

(d) Definition- For purposes of this section, the terms `individual currently detained at Guantanamo' and `individual covered by this section' have the meaning given such terms under section 1(c) of Executive Order 13492.



